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IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4021 OF 2007

Harshkumar Rajesh Khare .. Applicant

versus

State of Maharashtra & Anr. .. Respondents

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Mr.A.P. Mundargi i/b H.E. Palwe for the applicant.
Mr.K.V. Saste, APP for the State.
Mr. Nitin Pradhan for the original complainant.

CORAM : D.G.KARNIK, J

DATED : 19th December 2007

P.C.:

1. Heard Mr.Mundargi for the applicant, learned APP for the State and Mr.Nitin Pradhan for the original complainant.

2. Applicant has been arrested in connection with the offence registered under C.R.No. I-197/2007 registered at Vishnu Nagar police station for the

alleged offences punishable u/s.307, 326, 34 and 109 of the IPC and section 25 and 27 of the Arms Act and sec.37 and 135 of the Bombay Police Act. I have gone through the copies of the documents annexed to the application as also the compilation of the documents handed in by the learned APP. Compilation is taken on record and marked "X" for identification.

3. After the matter was heard fully and some discrepancies in the records and evidence were pointed out to me. Mr.Pradhan, the learned counsel for the complainant submitted not to record reasons, if the court was inclined to grant a bail, as it would prejudice the trial. Learned APP also submitted that the reasons for granting the bail may not be recorded as that may prejudice the trial. Hence at the request of the learned A.P.P. and the complainant, I am passing this order without recording reasons.

4. I may only mention that for granting bail. I have also taken into consideration the fact that the applicant is a young boy of 19 years and if he is detained in jail for a long time, then the possibility of his getting exposed to undesirable elements in the jail cannot be ruled. The applicant appears to have a first class career and he is

studying in the final year of the Engineering college. Because of his arrest, he has already missed examination for about three papers. However if he is released on bail he would be able to appear for the remaining four papers in the engineering. Taking these facts into consideration, I pass the following order:-

**O R D E R**

. The applicant be released on bail on personal bond of Rs.30,000/- with two sureties of Rs.15,000/- each subject to the following conditions:-

i) The applicant shall not make any inducement or give threats to any of the prosecution witnesses and shall not tamper with the prosecution evidence.

ii) The applicant shall attend the police station as and when required by the police. for interrogation and co-operate with the investigation.

(D.G. KARNIK, J)